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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,767	03/07/2002	Dieter Kress	2146.GLE.PT	8734

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EXAMINER	
FERGUSON, MICHAEL P	
ART UNIT	**PAPER NUMBER**
3679	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,767	KRESS ET AL.	
	Examiner	Art Unit	
	Michael P. Ferguson	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 17, 2004 has been entered.

Claim Objections

2. Claim 18 is objected to because of the following informalities:

Claim 18 (line 3) recites "receiving potion". It should recite --receiving portion--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

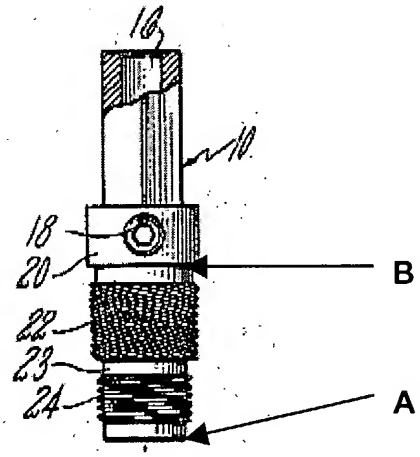
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Bittern (US 3,837,759).

As to claim 6, Bittern discloses a device for connecting two tool parts **12,14** configured for receiving a threaded spindle, each of the tool parts having an associated threaded area, and wherein the device comprises:

a threaded spindle **10** having a projecting shoulder **A** (Figure reprinted below with annotations), the outside diameter of which is slightly smaller than the interior diameter of the associated threaded area of one of the tool parts **12** to approximate the interior diameter such that the projecting shoulder serves to guide the threaded spindle into, and provide axial and angular alignment between, the two tool parts, the projecting shoulder having an axially positioned tool-receiving element (side wall of projecting shoulder **A** receives tool part **14**) to effect rotation of the threaded spindle (axially aligning the insertion of projection shoulder **A** within tool parts **12,14**; thus effecting the rotation of the threaded spindle) when the projecting shoulder is inserted within a tool part.



As to claim 7, Bittern discloses a device wherein a threaded spindle **10** has a projecting shoulder **A,B,23** at each end.

As to claim 8, Bittern discloses a device wherein the outside diameter of a projecting shoulder **A,B,23** at each end is slightly smaller than the interior threads of an associated threaded area of a corresponding tool part **12,14** to approximate the interior threads thereof to guide a threaded spindle **10** into, and provide axial and angular alignment between, the two tool parts.

As to claim 9, Bittern discloses a device wherein a threaded spindle **10** has two threaded sections **22**,24, each being threaded in a direction opposite the other and assigned to corresponding threaded areas of tool parts **12,14**.

As to claim 10, Bittern discloses a device wherein threaded sections **22,24** of a threaded spindle **10** have differing outside diameters for being correspondingly adapted to the differing interior diameters of two tool parts **12,14**.

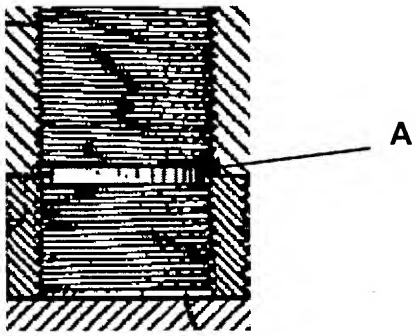
5. Claims 6-9 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanderson (US 2,022,055).

As to claim 6, Sanderson discloses a device for connecting two tool parts **1,2,4** configured for receiving a threaded spindle, each of the tool parts having an associated threaded area, and wherein the device comprises:

a threaded spindle **3** having a projecting shoulder **7**, the outside diameter of which is slightly smaller than the interior diameter of the associated threaded area of one of the tool parts **1** to approximate the interior diameter such that the projecting shoulder serves to guide the threaded spindle into, and provide axial and angular alignment between, the two tool parts, the projecting shoulder having an axially

positioned tool-receiving element **10** to effect rotation of the threaded spindle when the projecting shoulder is inserted within a tool part (Figures 1 and 7).

As to claim 7, Sanderson discloses a device wherein a threaded spindle **10** has a projecting shoulder **7,A** at each end (Figure 1 reprinted with annotations below).



As to claim 8, Sanderson discloses a device wherein the outside diameter of a projecting shoulder **7,A** at each end is slightly smaller than the interior threads of an associated threaded area of a corresponding tool part **1,2,4** to approximate the interior threads thereof to guide a threaded spindle **3** into, and provide axial and angular alignment between, the two tool parts (Figure 1).

As to claim 9, Sanderson discloses a device wherein a threaded spindle **3** has two threaded sections **5,6**, each being threaded in a direction opposite the other and assigned to corresponding threaded areas of tool parts **1,2,4** (Figure 1).

As to claim 12, Sanderson discloses a connection for connecting two tool pieces, the connection having:

a first tool piece **1** having a threaded area for receiving a first threaded section of a threaded spindle;

a second tool piece **2,4** having a threaded area for receiving a second threaded section of a threaded spindle;

a threaded spindle **3** having a first threaded sections **5** for engaging the threaded area of the first tool piece and a second threaded section **6** for engaging the threaded area of the second tool piece, and wherein the threaded spindle has a shoulder **7** extending beyond one of the threaded sections, the projecting shoulder having an outer diameter slightly smaller than the interior diameter of the threaded area of the first tool piece for approximating the interior diameter of the threaded area to thereby guide the threaded section into the threaded area and provide axial and angular alignment of the first and second tool pieces, the projecting shoulder having a tool-receiving portion for effecting rotation of the threaded spindle via the projecting shoulder when inserted in the first or second tool piece (Figures 1 and 7).

As to claim 13, Sanderson discloses a connection wherein a second tool piece **2,4** partially nests within a first tool piece **1** (Figure 1).

As to claim 14, Sanderson discloses a connection wherein a threaded spindle **3** has a opposing ends and has a projecting shoulder **7,A** at each end (Figure 1).

As to claim 15, Sanderson discloses a connection wherein the outside diameter of each projecting shoulder **7,A** at each end is slightly smaller than the interior threads of an associated threaded area of a corresponding tool piece **1,2,4** to approximate the interior threads to guide a threaded spindle **3** into place and to provide axial and angular alignment between first and second tool pieces **1,2,4** (Figure 1).

As to claim 16, Sanderson discloses a connection wherein threaded sections **5,6** of a threaded spindle **3** have opposing orientations and are assigned to corresponding threaded areas of tool pieces **1,2,4** (Figure 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanderson.

As to claim 10, Sanderson fails to disclose a device wherein threaded sections of a threaded spindle have differing outside diameters for being correspondingly adapted to the differing interior diameters of two tool parts.

The applicant is reminded that a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a device as disclosed by Sanderson to have threaded sections of a threaded spindle having differing outside diameters for being correspondingly adapted to the differing interior diameters of two tool parts as such practice is a design consideration within the skill of the art.

As to claim 17, Sanderson fails to disclose a connection wherein threaded sections of a threaded spindle have differing outside diameters and threaded areas of tool pieces have correspondingly adapted interior diameters.

The applicant is reminded that a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a connection as disclosed by Sanderson to have threaded sections of a threaded spindle having differing outside diameters and threaded areas of tool pieces having correspondingly adapted interior diameters as such practice is a design consideration within the skill of the art.

Allowable Subject Matter

8. Claims 11 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 11, Sanderson fails to disclose a device wherein each projecting shoulder is configured with a tool-receiving element for rotating the threaded spindle via the projecting shoulder when positioned within tool parts.

As to claim 18, Sanderson fails to disclose a connection wherein each projecting shoulder of a threaded spindle is configured with a tool-receiving portion for effecting

rotation of the threaded spindle via the projecting shoulder when positioned within first and second tool pieces.

It would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify a device as disclosed by Sanderson to have the above mentioned elements as the prior art neither teaches nor suggests such modifications.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703)308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MPF

John R. Cottingham
Patent Examiner